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Attorneys for Plaintiff

American Express National Bank

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION**

AMERICAN EXPRESS NATIONAL BANK,

Plaintiff,

v.

MICHAEL MALEKZADEH and  
BETHANY MOCKERMAN,

Defendants.

Case No. 6:22-CV-01070-AA

**JOINT MOTION TO  
CONTINUE STAY OF  
PROCEEDINGS**

**MOTION**

Plaintiff American Express National Bank (“*American Express*”) and Defendants Michael Malekzadeh and Bethany Mockerman (“*Defendants*”), pursuant to Fed. R. Civ. P. 6(b) and LR 16-3, jointly move the Court to continue the stay of this proceeding to the earlier of (i) entry of further order of this Court dissolving the stay or (ii) April 30, 2024.

**MEMORANDUM**

On November 22, 2022, American Express and Defendants filed their Joint Motion to Stay Proceedings (ECF 21, the “*Motion to Stay*”), advising the Court that the parties had reached a settlement of this action and seeking to stay this proceeding pending resolution of Defendants’ related criminal proceeding pending before this Court (Case No. 22CR00262, the “*Criminal Proceeding*”). On December 5, 2022, this Court entered its order granting the Motion to Stay and noted that American Express’s motion for entry of judgment was due on December 29, 2023 (ECF 22). As of the date of this Motion, the Criminal Proceeding remains pending, without entry of any plea by Defendants, and Defendants remain in discussions with the Government. Accordingly, the parties jointly request a further extension of the stay of this proceeding to allow Defendants additional time to resolve the Criminal Proceeding.

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**CONCLUSION**

For the reasons set forth herein, the parties respectfully request that the Court grant this joint motion and continue the stay of this proceeding to the earlier of (i) entry of further order of this Court dissolving the stay or (ii) April 30, 2024.

DATED this 29th day of December 2023.

MILLER NASH LLP

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### CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **JOINT MOTION TO CONTINUE STAY OF PROCEEDING** on:

Joseph Mabe  
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by the following indicated method or methods on the date set forth below:

|                                     |                                      |
|-------------------------------------|--------------------------------------|
| <input checked="" type="checkbox"/> | E-mail.                              |
| <input type="checkbox"/>            | E-mail service under ORCP 9 G.       |
| <input type="checkbox"/>            | Facsimile communication device.      |
| <input checked="" type="checkbox"/> | First-class mail, postage prepaid.   |
| <input type="checkbox"/>            | Hand-delivery.                       |
| <input type="checkbox"/>            | Overnight courier, delivery prepaid. |

Dated this 29th day of December 2023.

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